

22



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,528	09/24/2001	Hiroshi Sumiyama	325772026900	5299

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EXAMINER

QIN, YIXING

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/960,528

Applicant(s)

SUMIYAMA ET AL.

Examiner

Yixing Qin

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection. New references, Fischer (U.S. Patent No. 6,762,852) and Yu (U.S. Patent No. 6,988,839) have been found to teach/suggest the main aspects of the claimed invention in regards to choosing a single printer to perform a multiple sized print job. The objected claims 4-6 are also being pulled back due to the newly amended claims and 112 issues. Please see the final rejection below for more detail.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 has been amended to include "a comparator that compares all of the image sizes in the print job with the paper sizes available in each printer to determine which-single printer is most compatible with the entire print job;" Claim 4, cites that "... wherein where **none of the printers has all of the paper sizes that match the image sizes**, the selector **selects a printer that has a paper supply device through which paper of any size is inserted** in the printer."

This directly relates to the amended portion of claim 1 above. If there is such an

Art Unit: 2625

“universal” printer on the network that which can take any paper size, then it must be able to match any document with any paper sizes. Thus, there is a clear contradiction with the first part of the claim. Since there is this at least one “universal” printer that can take any paper size, there cannot be a situation where no printer is capable of matching all the image sizes. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

I. Claims 1-3 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (U.S. Patent No. 6,762,852) in view of Yu (U.S. Patent No. 6,988,839).

Regarding claims 1, 8 and 10, Fischer discloses an image processing apparatus that is connected to a plurality of printers through a network and that transmits a print job including image data to any of the printers, the image processing apparatus comprising:

a memory that stores paper sizes available in each printer connected to the network such that paper size information is associated to each printer; (Fig. 2)

The Fischer reference discloses a method of printing a document using the best available printer using criteria such as size (column 4, lines 48-56), but not multiple image size information.

Thus, it does not explicitly disclose “an obtaining unit that obtains multiple image size information regarding a print job;

a comparator that compares all of the image sizes in the print job with the paper sizes available in each printer to determine which-single printer is most compatible with the entire print job;”

However, Yu, discloses in Figs. 3-8 a print interface that allows an user to select page ranges in a print job and apply different formatting options to those ranges. “Set Media Type” is one of those options. See also Figs. 9A and 9B.

Fischer and Yu are combinable because both are in the art of printing a document in using an optimal printer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a printing machine like that of Yu in Fischer’s network to enable users to print jobs with different sized pages.

The motivation would have been to allow a user more customization when printing a particular document.

Therefore, it would have been obvious to combine Fischer and Yu to obtain the invention as specified.

Fischer also discloses a selector that selects a printer to which the print job is sent based on the comparison results obtained by the comparator; (Fig. 3, S5, S6, S8) and

a transmitter that transmits the print job to the selected printer selected by the selector. (Fig. 3, S9, S10)

Regarding claim 2, Fischer discloses wherein the selector selects a printer that has all of the paper sizes that match the image sizes. (Fig. 3, S5, S6) Again, from claim 1 above, the Yu reference addressed the idea of having multiple page sizes in a print job.

Regarding claims 3, 9 and 11, Fischer discloses wherein the selector selects a printer that has the most paper sizes that match the image sizes. (Fig. 3, S5, S6, column 4, lines 57-60). Again, from claim 1 above, the Yu reference addressed the idea of having multiple page sizes in a print job.

II. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fischer (U.S. Patent No. 6,762,852) and in view of Shima (U.S. Patent No. 6,369,909).

The Fischer reference discloses a method of printing a document using the best available printer using criteria such as size (column 4, lines 48-56), but not multiple image size information.

It does not explicitly disclose "wherein data is communicated between the printers in order to store in the memory the information regarding the paper sizes available in each printer."

However, Shima discloses in the abstract that a printer can obtain performance attributes of other printers and relay it to a host. Fig. 13 and column 23, lines 58-67 and column 14, lines 1-13 discusses these attributes, one of which is paper size.

Fischer and Shima are combinable because both are in the art of using an optimal printer to print a document based upon document attributes.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have enabled printers in Fischer to communicate to each other.

The motivation would be to reduce the amount of work on a print server if one printer were able to gather information about other printers on the network and relay the attribute information of all the printers to a print server without necessarily having the print server querying all the printers for attribute information.

Therefore, it would have been obvious to combine Fischer and Shima to obtain the invention as specified.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.

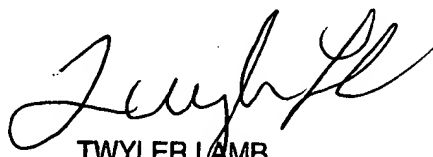
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2625

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



YQ



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